

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNSON CHRISTINE, et al.,

Plaintiffs,

v.

FRESNO SPORTS AND EVENTS LLC, et
al.,

Defendants.

Case No. 1:24-cv-00352-KES-SAB

ORDER DIRECTING THE CLERK OF THE
COURT TO TERMINATE DEFENDANT
FRESNO SPORTS AND EVENTS
PARTNERS LLC A AS A PARTY IN THIS
ACTION

(ECF No. 5)

On June 11, 2024, Plaintiffs filed a notice of dismissal of Defendant Fresno Sports and Events Partners LLC without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 5.) Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through a Rule 41(a)(1) notice.”)).

Defendant Fresno Sports and Events Partners LLC has not filed an answer or a motion for summary judgment in this action. Under Rule 41(a)(1)(A)(i) a “plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, the Clerk of the Court is DIRECTED to terminate Fresno Sports and Events Partners LLC as a defendant in this action.

IT IS SO ORDERED.

Dated: June 12, 2024


UNITED STATES MAGISTRATE JUDGE